

Agency	Date of Submission	Summary of Submission	Proponent's Response
Ausgrid	1/03/2024	Ausgrid has no comment to make regarding this planning proposal for a Re zoning at this point in time. Ausgrid however does look forward to reviewing future Development Application submissions for any development attached to this proposal and will then provide further feedback accordingly.	Noted. Any relevant requirements of Ausgrid will be addressed under future development applications.
Ku-ring-gai Council	22/03/2024	A. the planning proposal is not supported by Council. B. the NSW Department of Planning and Environment be advised of Council's position and the Planning Proposal not be submitted for a Gateway Determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979. C. That Council updates Greenweb mapping to reflect the occurrence of Sydney Turpentine Ironbark Forest (STIF) and Blue Gum High Forest (BGHF) at 130 Killalea Street, St Ives. TNSW has no objections to the proposed amendments to Ku-ring-gai LEP 2015, as the rezoning proposal is expected to generate low traffic volumes resulting in minimal traffic impacts to the surrounding State and local road network. Mona Vale Road in the vicinity of this proposal already exhibits some congestion in the peaks. It is recommended that the planning proposal and future development application for the site investigates, encourages, and supports alternative travel modes such as public and active transport. Consideration should be given to connecting cycling links to/from Killalea Street to other established cycle networks in the area.	Noted. The rezoning review process was progressed based on Council's previous resolution. All biodiversity related items relevant to the planning proposal have been duly considered. A Biodiversity Impact Assessment and Arborist Report were submitted as part of the Planning Proposal. These reports concluded that subject to the implementation of measures, the ongoing amenity and biodiversity value of the subject site will be retained. The rezoning review recommendations of 25 August 2023 required the proponent to prepare an updated arborist report, biodiversity assessment, and updates to council's biodiversity mapping which were provided as part of additional information submitted by the proponent. The panel met with the department for a pre-gateway briefing to consider whether the additional information addressed these recommendations. The panel was satisfied that these conditions had been adequately met. All relevant biodiversity impacts will be addressed under future development applications to ensure consistency with the recommendations of the assessments and Council's controls as a result of the updated biodiversity mapping.
TNSW	5/03/2024	Adequate justification is required to demonstrate why all other trees on site are planted, otherwise, the language throughout should be changed to reflect the possibility of regeneration. The Biodiversity Assessment Method (BAM) 2020 requires applicants to document the reasonable measures taken by the proponent to avoid or minimise clearing of native vegetation and threatened species habitat during proposal design. Areas providing habitat for threatened ecological communities (TECs), threatened species or corridors between habitats should be avoided to comply with the avoid and mitigate requirements. As Sydney Turpentine Ironbark Forest (STIF) is a critically endangered ecological community and an entity at risk of a serious and irreversible impact, it is of high conservation significance. It is recommended that more is done to avoid clearing the STIF on the Subject Land.	Noted. Consideration of alternative travel modes such as public and active transport and future cycling links will be undertaken as part of the future development application.
Biodiversity, Conservation and Science Group (EHG)	27/03/2024		A response from Elizabeth Ashby of Keystone Ecological has been provided following receipt of the Biodiversity, Conservation and Science Group (EHG) submission. The response is as follows: 1. Biodiversity - The Trees are planted specimens due to the following reasons: - other than the individual indicated (Turpentine #51), they all appear suddenly and at once in the historical aerial photographic record which is not consistent with natural regeneration; - The property has been actively managed as a garden the entire time since the appearance of said trees. Mowing alone would have prevented natural regeneration of trees; - The size distribution is not indicative of a natural urban forest; - The layout of the trees is indicative of a deliberate planting pattern; and - the site was, at some stage, heavily infested with Privet (presumably Small-leaved Privet). The management response to that infestation was the installation of heavy weed mats. Such matting prevents natural germination and alters soil chemistry and is still in place. This is not conducive to the establishment of a viable soil seedbank. It is therefore concluded that the trees in the garden were more likely than not, to have been planted and than an emphasis on the potential for the trees in the garden to represent natural regeneration was not warranted. 2. Avoid and Minimise - The first sentence of the Biodiversity Assessment Method (2020) states: "The NSW Biodiversity Assessment Method (BAM) is part of the Biodiversity Offsets Scheme (BOS)". In this instance, the BOS is not triggered and so the strict elements of the BAM are not directly relevant. However, as a general principle, avoidance of impact is important and has been demonstrated in the proposal by the tree retention pattern which was in turn informed by the combined ecological assessment and arboricultural assessment. The occurrence of STIF on site addressed in my report is a generous interpretation of the entity, with the only naturally occurring "remnant" tree per my analysis at 1 above being a single Turpentine (#51) near the centre of the site. The other elements assigned to STIF for the purposes of the impact assessment are 19 trees likely to have been planted (see 1 above) and common native ground cover species that occur in almost every lawn in the Ku-ring-gai LGA. Of these 19 trees, one (#65 Forest Oak) is considered dangerous and is recommended for removal irrespective of the proposal. A total of 12 STIF-affiliated trees are slated for removal, and 7 are to be retained. Consideration was given to retaining each of the 12 STIF-affiliated trees identified for removal, but their locations and condition were problematic. Judgements were made based on a number of criteria, including their biodiversity values, arboricultural values, capacity to be replaced, and the potential for a design to incorporate their retention. The proposed building is primarily located in the existing footprint but is larger (given its inherent nature as a Residential Flat Building), and requires the current access to be upgraded. While tree #51 is an important tree given its age and representation of STIF, it has had its primary roots severed in the past and its hazard rating is now 7 on a scale of 1 to 12. Also, it occurs in a cluster of STIF-affiliated species (#35, 39, 51, 60, 62, 67) located in the approximate centre of the site at the rear of the existing building. This cluster is therefore in the impact zone for any redevelopment. Their retention would compromise the basic design and viability of the proposal due to their location, size and propensity for limb-drop (specifically #35,39). Tree 51 is the only tree that has the potential to be considered as remnant STIF, but its location and condition make its retention untenable in the redeveloped landscape. Being the only Grey Ironbark on site, the retention of tree 111 was the subject of much discussion with the Project Arborist, but an upgrade to the driveway was not compatible with its retention. A complete relocation of the driveway to retain #111 would have necessitated the removal of many more trees, including 2 with STIF affinities (#80, 86). Two male Forest Oaks (#45 and 49) slated for removal are located near the front of the existing building. They are both relatively small trees and fast-growing species, and thus replaceable in the Landscape Plan. Of the cluster of 6 STIF-affiliated trees around the side gate (#104,112,113,114,115,120), the 3 Forest Oaks (#104,112,113) are slated for removal. Tree 104 is in the driveway footprint, and an unacceptable impact to the tree protection zones of the other 2 will occur. Again, these are all relatively small trees and fast-growing species, and thus replaceable in the Landscape Plan. 3. The potential adverse impact to STIF and all other potential impacts to threatened entities were addressed in my report by application of Tests of Significance, as required by the Biodiversity Conservation Act 2016. The unchallenged conclusion remains that the proposal will not result in significant impacts to any relevant threatened entities. In my opinion, the relative value of the native garden and its contribution to the conservation of STIF is adequately addressed in my report and that the proposal has merit. The conservation significance of STIF is understood, but so also is the nature of its representation on site being a mixed - overwhelmingly planted - native and exotic garden. 4. The Biodiversity, Conservation and Science Group have also asked for information regarding secure and long term management of native vegetation. I point to my list of recommendations regarding an approved Management Plan to be implemented in concert with a Landscape Plan that has been informed by ecological considerations. This is a common consent condition applied in this LGA as a response to retaining and enriching threatened ecological communities in the urban landscape. The information submitted with the proposal therefore adequately addresses all comments received and warrants favourable consideration. All relevant biodiversity impacts will be addressed under future development applications to ensure consistency with the recommendations of the assessments and Council's controls as a result of the updated biodiversity mapping.